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14 November 1996

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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Germany, Poland and South Africa: draft resolution

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that, in adopting the Universal Declaration of Human Rights 1/ on 10 December 1948, it recognized the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its States Members to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis of subsequent progress, and taking note of the improvements in the field of human rights that have occurred during the past five decades owing to national and international solidarity and efforts,

Concerned that international human rights standards are not fully and universally respected and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect fundamental human rights in all situations and to strengthen United Nations efforts in this regard,

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1/ Resolution 217 A (III).

Recalling the significance and the message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 2/

Having considered the report of the United Nations High Commissioner for Human Rights, 3/ in particular chapter IX thereof entitled "1998: Human Rights Year", in which proposals to celebrate the fiftieth anniversary were made, including convening of a ceremonial meeting of the General Assembly, and welcoming the intention of the High Commissioner to facilitate cooperation between various initiatives aimed at the commemoration of the fiftieth anniversary,

1. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions set out in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Declaration, to identify obstacles and ways in which they can be overcome to achieve progress in this area, to undertake additional efforts and to develop programmes of education and information, with a view to disseminating the text of the Declaration and arriving at a better understanding of the universal message;

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations;

4. Endorses the intention of the relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and impact of existing international human rights instruments;

5. Calls upon the relevant United Nations organs and agencies, in coordination with the High Commissioner, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

6. Invites non-governmental organizations and national institutions to participate fully in the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the High Commissioner;

7. Decides to convene, during its fifty-third session, a ceremonial one-day meeting on 10 December and to review during its fifty-second session the state of preparations for the anniversary and to consider appropriate measures in this regard, including its own contribution.

2/ A/CONF.157/24 (Part I), chap. III.

3/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 36 (A/51/36).

UNITED NATIONS **A**

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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Belgium, Bulgaria, Chile, Germany, Hungary, Italy, Malta, Panama, Poland, Republic of Korea, Romania, Slovakia, South Africa and the former Yugoslav Republic of Macedonia:

revised draft resolution

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that, in adopting the Universal Declaration of Human Rights[1] on 10 December 1948, it recognized the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its States Members to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full

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[1] Resolution 217 A (III).

enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect human rights and fundamental freedoms in all situations and to strengthen United Nations efforts in this regard,

Recalling the significance and the message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also its decision 48/416 of 10 December 1993, in which the Assembly decided to include in the provisional agenda of its fifty-third session an item entitled "Fiftieth anniversary of the Universal Declaration of Human Rights",

Having considered the report of the United Nations High Commissioner for Human Rights,[3] in particular chapter IX thereof entitled "1998: Human Rights Year", in which proposals to celebrate the fiftieth anniversary were made, including convening of a ceremonial meeting of the General Assembly, and welcoming the intention of the High Commissioner to facilitate cooperation between various initiatives aimed at the commemoration of the fiftieth anniversary,

1. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions set out in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Declaration, to identify obstacles and ways in which they can be overcome to achieve progress in this area, to undertake additional efforts and to develop programmes of education and information, with a view to disseminating the text of the Declaration and arriving at a better understanding of the universal message;

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations;

4. Endorses the intention of the relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and impact of existing international human rights instruments;

5. Calls upon the relevant United Nations organs and agencies, in coordination with the High Commissioner, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

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[2] A/CONF.157/24 (Part I), chap. III.

[3] Official Records of the General Assembly, Fifty-first Session, Supplement No. 36 (A/51/36).

6. Invites non-governmental organizations and national institutions to participate fully in the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the High Commissioner;

7. Requests the Secretary-General to include in the proposed programme budget for the biennium 1998-1999 appropriate activities to celebrate the fiftieth anniversary of the Declaration;

8. Decides to convene, during its fifty-third session, a one-day plenary meeting on 10 December 1998 to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights; also decides to review during its fifty-second session the state of preparations for the anniversary and to consider appropriate measures in this regard, including its own contribution.

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20 November 1996

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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Cuba: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights[1],

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[2] family reunification of documented migrants is an important factor in international migration, and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling also its resolution 50/175 of 22 December 1995,

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[1] Resolution 217 A (III).

[2] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

1. Once again calls upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. Reaffirms that all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. Calls upon all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. Also calls upon all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. Decides to continue its consideration of this question at its fifty-second session under the item entitled 'Human rights questions'.

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18 November 1996

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Fifty-first session
THIRD COMMITTEE
Agenda item 106

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Austria, Bangladesh, Belgium, Bhutan, Bosnia and Herzegovina, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Eritrea, Finland, France, Georgia, Germany, Ghana, Greece, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Namibia, Netherlands, Nicaragua, Norway, Philippines, Portugal, Republic of Korea, Romania, Samoa, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay* and Venezuela: draft resolution

The rights of the child

The General Assembly,

Recalling its resolution 50/153 of 21 December 1995 and Commission on Human Rights resolution 1996/85 of 24 April 1996, 1/

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have become parties to the Convention on the Rights of the Child, 2/ while noting that the goal to achieve universal ratification by 1995 was not reached,

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* On behalf of States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

1/ See E/1996/L.18, chap. II, sect. A.

2/ Resolution 44/25, annex.

Seriously concerned about those reservations to the Convention that are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 3/ urges States to withdraw such reservations,

Reaffirming the Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular the girl child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict and children victims of famine, drought and other emergencies, and also requires measures against female infanticide and harmful child labour,

Reaffirming also that the best interests of the child shall be a primary consideration in all actions concerning children,

Noting with appreciation the important work carried out by the United Nations, in particular the United Nations Children's Fund, the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the expert designated by the Secretary-General to undertake the study on the effect of armed conflicts on children,

Recognizing the valuable work done by relevant intergovernmental and non-governmental organizations for the promotion and protection of the rights of the child,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism, and all forms of intolerance, unemployment, rural-to-urban migration, illiteracy, hunger, disability and drug abuse, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation per se is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recalling the recommendation made by the World Conference on Human Rights that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by supervisory bodies of the specialized agencies in accordance with their mandates,

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3/ A/CONF.157/24 (Part I), chap. III.

I

Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of one hundred and eighty-seven States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children 4/ and reiterated by the World Conference on Human Rights;

3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard emphasizes the importance of the full implementation by States parties of the provisions of the Convention;

4. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

5. Also urges States parties to the Convention to accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from ten to eighteen experts;

6. Welcomes the report submitted by the Committee on the Rights of the Child pursuant to article 44, paragraph 5, of the Convention, 5/ and takes note with appreciation of the constructive role played by the Committee in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

7. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures, and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

8. Also calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike;

4/ See A/45/625, annex.

5/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 41 (A/51/41).

9. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children as emphasized in the report of the Secretary-General on the progress at mid-decade on the implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children; 6/

II

Protection of children affected by armed conflict

10. Invites all States to accede to relevant international human rights and humanitarian instruments, and urges them to implement those to which they are parties;

11. Urges States and other parties to armed conflict to respect customary international humanitarian law;

12. Calls upon States fully to respect the provisions contained in the Geneva Conventions of 12 August 1949 7/ and the Additional Protocols thereto of 1977, 8/ as well as those in the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;

13. Welcomes the report of the expert of the Secretary-General on the impact of armed conflict on children, 9/ and takes note with appreciation of the recommendations included therein that address the prevention of the involvement of children in armed conflicts, the reinforcement of preventive measures, the relevance and adequacy of existing standards, the measures required to improve the protection of children affected by armed conflicts and the actions needed to promote the physical and psychological recovery and social reintegration of children affected by armed conflicts;

14. Notes with interest the participatory process through which the report of the expert was prepared in close collaboration with Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations;

15. Requests the Secretary-General to ensure that the report of the expert is disseminated as widely as possible among Member States and intergovernmental and non-governmental organizations, as well as within the United Nations system;

6/ A/51/256.

7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

9/ A/51/306 and Add.1.

16. Takes note with appreciation of the report of the Committee on the Rights of the Child and the recommendations contained therein concerning the situation of children affected by armed conflicts; 10/

17. Welcomes resolution CM/Res.1659 (LXIV) on the plight of African children in situations of armed conflicts adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaoundé, from 1 to 5 July 1996;

18. Recommends that States parties to the Convention promote a wide dissemination of and awareness on relevant standards on the rights of the child and develop education and training activities on the rights of the child as a measure to ensure the protection of children affected by armed conflict;

19. Calls upon States and United Nations bodies and organizations to treat children in situations of armed conflict as a priority concern in all human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to protect effectively children affected by armed conflict;

20. Calls upon the executive boards of relevant United Nations funds and programmes, specialized agencies and other competent bodies to explore ways and means by which they can contribute more effectively to the protection of children in armed conflict;

21. Recommends that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations to promote peace, prevent and resolve conflicts and implement peace agreements;

22. Underlines the importance that measures to ensure respect for the rights of the child, including in the areas of health and nutrition, education, and social reintegration, be included within emergency and other humanitarian assistance policies and programmes;

23. Stresses the need for Governments and other parties to armed conflicts to take measures, including the establishment, for example, of "days of tranquillity" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflicts;

24. Supports the work of the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflicts, and expresses the hope that it will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

10/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 41 (A/51/41), chap. I, sect. C.1.

25. Urges States and all other parties to armed conflicts to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

26. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

27. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

28. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, 11/ and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

29. Stresses the need for all humanitarian responses in conflict situations to emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age, or infection with sexually transmitted diseases, as well as human immunodeficiency virus/acquired immunodeficiency syndrome, and their access to family planning services;

30. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

31. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and humanitarian exemptions be child-focused and formulated with clear application guidelines;

32. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

11/ Resolution 260 A (III).

33. Requests the Secretary-General, in cooperation with Member States, international organizations and relevant non-governmental organizations, to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflict;

34. Invites Governments to integrate in their military programmes, including those for their peacekeeping personnel, instruction on their responsibilities towards civilian communities and particularly towards women and children;

35. Recommends that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children, and ensure, within existing resources, that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose;

36. Also recommends that the Special Representative:

(a) Assess progress achieved, steps taken and difficulties encountered in strengthening the protection of children in situations of armed conflict;

(b) Raise awareness and promote the collection of information about the plight of children affected by armed conflict, and encourage the development of networking;

(c) Work closely with the Committee on the Rights of the Child, relevant United Nations bodies, specialized agencies and other competent bodies, as well as non-governmental organizations;

(d) Foster international cooperation to ensure respect for children's rights in these situations, and contribute to the coordination of efforts by Governments, relevant United Nations bodies, notably the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the specialized agencies and the Committee on the Rights of the Child, relevant special rapporteurs and working groups, as well as United Nations field operations regional and subregional organizations, other competent bodies and non-governmental organizations;

37. Requests the Special Representative to submit to the General Assembly and the Commission of Human Rights an annual report containing relevant information on the situation of children affected by armed conflicts, bearing in mind existing mandates and reports of relevant bodies;

38. Also requests Governments, specialized agencies, relevant United Nations organs and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, other

relevant human rights treaty bodies and human rights mechanisms, to cooperate with the Special Representative and to provide information on the measures adopted to ensure and respect the rights of children affected by armed conflicts;

39. Calls upon Member States and relevant United Nations bodies and non-governmental organizations to consider how the impact of armed conflicts on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention;

III

Refugee and internally displaced children

40. Urges Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

41. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children to protect both their safety and their developmental needs, including health, education and psychosocial rehabilitation;

42. Also calls upon States and United Nations bodies and other agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children and to give priority to programmes for family tracing and reunification;

43. Calls for the continual monitoring of the care arrangements of unaccompanied refugee and internally displaced children;

44. Calls upon States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, and to enhance protection and assistance mechanisms;

45. Calls upon the United Nations Children's Fund and other relevant United Nations bodies and agencies and governmental and non-governmental organizations to continue to adopt all necessary measures to ensure the survival, assistance and protection of internally displaced children;

46. Stresses the special vulnerability of households headed by children, and calls upon Governments and United Nations bodies to give urgent attention to their situation and to develop policy and programme guidelines to ensure their protection and care, in the best interests of the child;

47. Also stresses that women and youth be fully involved in the design, delivery and monitoring the implementation of measures to protect them from sexual violence and the recruitment of children into the armed forces;

IV

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

48. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography; 12/

49. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine, all over the world, the question of the sale of children, child prostitution and child pornography;

50. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-third session;

51. Supports the work of the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

52. Calls upon all States parties to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of all such practices, in particular by criminalizing the sexual exploitation of children;

53. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, and expresses its appreciation to the Government of Sweden for organizing it, in cooperation with the United Nations Children's Fund, End Child Prostitution in Asian Tourism and the NGO Group for the Convention on the Rights of the Child;

54. Welcomes with satisfaction the adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, 13/ which constitutes an important contribution to the global efforts aimed at the eradication of such practices;

55. Requests all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action;

12/ A/51/456, annex.

13/ A/51/385, annex.

56. Calls upon States to criminalize the commercial sexual exploitation of children, as well as the other forms of sexual exploitation of children, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

57. Also calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;

58. Further calls upon States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

59. Stresses the need to combat the existence of the markets that encourage criminal practices against children;

60. Urges States, in cases of sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits, and other sanctions, against those who commit sexual crimes against children in countries of destination, and to share relevant data;

61. Requests States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

62. Invites States to allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

63. Stresses the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives;

V

Elimination of exploitation of child labour

64. Encourages Member States that have not yet done so to ratify the conventions of the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

65. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular the protection from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

66. Urges Governments to take all necessary measures, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

67. Encourages, in particular, Governments to take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulations of the hours and conditions of employment and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

68. Invites Governments, in accordance with the commitments made at the World Summit for Social Development held at Copenhagen in March 1995, 14/ to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensuring the full enforcement of relevant existing laws and, where appropriate, enacting the legislation necessary to implement obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

69. Encourages Member States to strengthen international cooperation, such as through the United Nations programme of advisory services in the field of human right and the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

70. Recognizes the measures taken by Governments to eliminate the exploitation of child labour, calls upon relevant United Nations bodies and agencies, in particular the United Nations Children's Fund and the International Labour Organization to support national efforts in this regard;

71. Requests that measures be taken by Governments, at the national and international levels, within the framework of multisectorial approaches, to end exploitation of child labour in line with the commitments undertaken at the World Summit for Social Development and at the Fourth World Conference on Women, held at Beijing in September 1995, 15/ and taking into account the results of other relevant United Nations conferences;

14/ See A/CONF.166/9.

15/ See A/CONF.177/20 and Add.1.

72. Calls upon Governments to translate into concrete action their commitment to the progressive and effective elimination of child labour and to implement, inter alia, national action plans and the resolution on the elimination of child labour adopted by the International Labour Conference at its eighty-third session, as well as other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

73. Requests the Secretary-General, when reporting on the implementation of the present resolution, to cooperate closely and at an early stage with relevant actors and United Nations organizations and bodies, in particular the International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating exploitation of child labour and to recommend ways and means of improving cooperation at the national and international levels in this field;

VI

The plight of street children

74. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of children living or working on the streets being involved in and affected by serious crime, drug abuse, violence and prostitution;

75. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of children living or working on the streets, to take measures to ensure their reintegration into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect;

76. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against the arbitrary deprivation of liberty, maltreatment or abuse;

77. Emphasizes that strict compliance with the provisions of the Convention and other relevant human rights instruments constitutes a significant step towards solving the problems of children living or working on the streets, including problems of exploitation, abuse and abandonment of children, and recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give attention to this growing problem when examining reports from States parties;

78. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including child well-being in urban settlements in accordance with the Habitat Agenda adopted by the United Nations Conference on Human Settlements held at Istanbul from 3 to

14 June 1996, 16/ and encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

VII

79. Invites Governments, United Nations bodies and organizations, including the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, and relevant mechanisms of the Commission on Human Rights and intergovernmental and non-governmental organizations to cooperate with one another to ensure greater awareness and more effective action to solve the problem of children living in exceptionally difficult conditions by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of those children;

80. Requests the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography to submit an interim report to the General Assembly at its fifty-second session;

81. Requests the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-second session, containing information on the status of the Convention on the Rights of the Child; and the problems of exploitation of child labour, its causes and consequences, in accordance with paragraph 73 above;

82. Decides to continue its consideration of this question at its fifty-second session under the item entitled "Promotion and protection of the rights of children".

16/ A/CONF.165/14, chap. I, resolution I, annex II.

UNITED
NATIONS

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General Assembly

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Agenda item 106

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Costa Rica*: Amendment to draft resolution A/C.3/51/L.37

Rights of the child

Operative paragraph 35

For the existing text substitute

35. Recommends that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children, requests the Secretary-General to ensure that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose.

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

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THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, Norway, Panama, Paraguay, Poland, Portugal, Romania, Samoa, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

The General Assembly,

Recalling, inter alia, its resolutions 48/141 of 20 December 1993 and 50/187 or 22 December 1995, and bearing in mind all relevant resolutions of the Economic and Social Council and the Commission on Human Rights, in particular Commission resolution 1996/82 of 24 April 1996,

Reaffirming that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and a priority activity of the Organization,

Recalling that in the Vienna Declaration and Programme of Action the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, stressed the importance of strengthening the Centre for Human Rights of the Secretariat,[1]

Taking into account that in the Vienna Declaration and Programme of Action the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme, from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,[2]

Taking into account also the establishment of the post of the United Nations High Commissioner for Human Rights, as well as the mandate for the post, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in resolution 48/141 for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the response to these requests has not been commensurate with the needs, resulting in a serious and continuing imbalance between the mandates assigned to the High Commissioner and the Centre by the competent bodies of the United Nations system in the field of human rights and the resources available to fulfil all of these mandates,

Taking note with appreciation of the information provided by the High Commissioner with regard to the process of reorganizing the structure of the Centre for Human Rights with the aim of increasing the efficiency and effectiveness of the Centre and ensuring that all its mandate can be implemented,

Considering that this process will contribute to the strengthening of the functional framework for integrated and consolidated activities of the Secretariat in the field of human rights,

Mindful of situations in which rapid action by the High Commissioner is required in order to address urgent crises in the field of human rights,

Emphasizing that, while further improvement in the function and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload, good management practices need to be complemented by resources commensurate with mandates,

1. Supports and encourages the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, as an integral part of the Secretariat of the United Nations, under the overall supervision of the United Nations High Commissioner for Human Rights;

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[1] A/CONF.157/24 (Part I), chap. III, sect. II, para. 13.

[2] Ibid., para. 9.

2. Reiterates the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out its mandates efficiently, effectively and expeditiously;

3. Requests the Secretary-General to make available additional human and financial resources, from within the overall regular budget of the United Nations, and to enhance the capability of the High Commissioner and the Centre to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions, having due regard to the need to finance and implement activities of the United Nations relating to development;

4. Supports fully the Secretary-General and the High Commissioner in their efforts to strengthen the human rights activities of the United Nations, inter alia, through reorganization of the structure of the Centre to improve its efficiency and effectiveness;

5. Encourages increased cooperation and coordination on human rights issues between the High Commissioner, acting within his mandate, and other departments and offices of the United Nations Secretariat;

6. Requests the Administrative Committee on Coordination to ensure that the Office of the High Commissioner for Human Rights/Centre for Human Rights can participate fully in all mechanisms related to the follow-up to major United Nations conferences, in particular the inter-agency task forces established for this purpose, and urges the High Commissioner to take an active part in this regard;

7. Requests the High Commissioner to continue to keep all States informed on a regular basis of the ongoing process of restructuring the Centre, inter alia through informal open briefing sessions;

8. Encourages the High Commissioner, within his mandate as set out in General Assembly resolution 48/141, to continue to seek effective ways to react rapidly to crises in the field of human rights and to continue to report on his activities in this regard to the competent bodies of the United Nations in the field of human rights, and requests the Secretary-General in this context to support activities proposed by the High Commissioner;

9. Decides to continue its consideration of this question at its fifty-second session under the agenda item "Human rights questions".

UNITED NATIONS **A**

General Assembly

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Samoa, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: revised draft resolution

Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

The General Assembly,

Recalling, inter alia, its resolutions 48/141 of 20 December 1993 and 50/187 of 22 December 1995, and bearing in mind all relevant resolutions of the Economic and Social Council and the Commission on Human Rights, including Commission resolution 1996/82 of 24 April 1996,

Recalling the request to the Secretary-General contained in paragraph 37 of its resolution 50/214 of 23 December 1995 to establish within the biennium 1996-1997 a new branch whose primary responsibilities would include the promotion and protection of the right to development,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United

Nations in accordance with its purposes and principles, in particular the purpose of international cooperation,

Recalling that in the Vienna Declaration and Programme of Action the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, stressed the importance of strengthening the Centre for Human Rights of the Secretariat,[1]

Taking into account that in the Vienna Declaration and Programme of Action the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme, from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,[2]

Taking into account also the establishment of the post of the United Nations High Commissioner for Human Rights, as well as the mandate for the post, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in resolution 48/141 for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the response to these requests has not been commensurate with the needs, resulting in a serious and continuing imbalance between the mandates assigned to the High Commissioner and the Centre by the competent bodies of the United Nations system in the field of human rights and the resources available to fulfil all of these mandates,

Taking into account that the responsibilities of the High Commissioner include, inter alia, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

Taking also into account the fact that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights urged United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication,

Bearing in mind that Article 101, paragraph 3, of the Charter of the United Nations states that the paramount consideration in the employment of the staff of the Secretariat and in the determination of the conditions of the service shall be the necessity of securing the highest standards of efficiency, competence, and integrity, and that due regard shall be paid to the importance of recruiting the staff of the Secretariat on as wide a geographical basis as possible;

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[1] A/CONF.157/24 (Part I), chap. III, sect. II, para. 13.

[2] Ibid., para. 9.

Taking note of the report of the Secretary-General on the strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights,[3] and of the note by the Secretary-General on the composition of the staff of the Centre for Human Rights[4] as well as the report of the United Nations High Commissioner for Human Rights,[5]

Taking note with appreciation of the information provided by the High Commissioner with regard to the restructuring of the Centre for Human Rights with the aim of increasing the efficiency and effectiveness of the Centre and ensuring that all its mandates can be implemented,

Considering that this process should contribute to the strengthening of the functional framework for integrated and consolidated activities of the Secretariat in the field of human rights,

Emphasizing that, while further improvement in the function and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to fulfil all mandates entrusted to it and cope with its constantly increasing workload, good management practices need to be complemented by resources commensurate with mandates,

1. Supports and encourages the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, as an integral part of the Secretariat of the United Nations, under the overall supervision of the United Nations High Commissioner for Human Rights;

2. Reiterates the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out the mandates efficiently, effectively and expeditiously, having due regard to the need to finance and implement activities of the United Nations relating to development;

3. Requests the Secretary-General to enhance the capability of the High Commissioner and the Centre to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions;

4. Supports fully the Secretary-General and the High Commissioner in their efforts to strengthen the human rights activities of the United Nations, inter alia, through reorganization of the structure of the Centre to improve its efficiency and effectiveness;

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[3] A/51/641.

[4] A/51/650.

[5] A/51/36.

5. Encourages increased cooperation and coordination on human rights issues between the High Commissioner, acting within his mandate, and other departments and offices of the United Nations Secretariat;

6. Requests the Administrative Committee on Coordination to ensure that the Office of the High Commissioner for Human Rights/Centre for Human Rights can participate fully in all mechanisms related to the follow-up to major United Nations conferences, in particular the inter-agency task forces established for this purpose, and urges the High Commissioner to take an active part in this regard;

7. Requests the High Commissioner to continue to keep all States informed on a regular basis of the ongoing process of restructuring the Centre, inter alia through informal open briefing sessions;

8. Encourages the High Commissioner, within his mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and protecting human rights, including by preventing human rights violations throughout the world, and, in this context requests the Secretary-General to support activities proposed by the High Commissioner;

9. Decides to continue its consideration of this question at its fifty-second session under the agenda item "Human rights questions".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Kyrgyzstan, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Portugal, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949,[3]

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, Treaty Series, vol. 75, Nos. 970-973.

Recalling its resolution 50/191 of 22 December 1995, in which it expressed its strong condemnation of the massive violations of human rights of the gravest nature in Iraq, and recalling Commission on Human Rights resolution 1996/72 of 23 April 1996,[4]

Bearing in mind Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling Security Council resolution 687 (1991) of 3 April 1991,

Recalling also Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of one billion United States dollars every ninety days, on a renewable basis, to be used, inter alia, to purchase essential food and medical supplies for humanitarian purposes,

Deploring the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by not receiving a return visit of the Special Rapporteur to Iraq and not allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq[5] submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein, and noting his dismay that there has been no improvement in the situation of human rights in the country;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror;

3. Expresses its condemnation with regard to the violations of human rights and international humanitarian law, in particular of:

(a) Summary and arbitrary executions, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the

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[4] Official Records of the Economic and Social Council, 1996, Supplement No. 3, (E/1996/23), chap. II, sect. A.

[5] A/51/496 and Add.1.

abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly, through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations to freedom of movement;

4. Expresses its grave concern at the action of military forces, including heavy artillery and tanks, against civilian targets in northern Iraq, resulting in numerous deaths and a large number of arrests and missing persons;

5. Welcomes the memorandum of understanding reached in May 1996 between Iraq and the Secretary-General to implement Security Council resolution 986 (1995) to respond to the serious humanitarian situation in Iraq perpetuated by the non-compliance of the Government of Iraq with various Security Council resolutions;

6. Urges the Government of Iraq to cooperate with the United Nations with a view to ensuring the implementation of Security Council resolution 986 (1995), in accordance with the agreement reached in May 1996 that medicines, health supplies, foodstuffs and other humanitarian supplies, purchased with the proceeds of the sale of Iraqi petroleum and petroleum products, are distributed to the Iraqi population equitably and on a non-discriminatory basis;

7. Again expresses its special alarm at the policies of the Government of Iraq, which discriminate between regions and prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

8. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights,[1] and to the International Covenant on Civil and Political Rights,[2] to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and international humanitarian law, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

9. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

10. Also demands that the Government of Iraq abrogate any and all decrees that prescribe cruel and inhuman punishment or treatment and take every step

necessary to ensure that the practice of torture and cruel and unusual punishments and treatment no longer occur;

11. Urges the Government of Iraq to abrogate all laws and procedures, including Revolution Command Council decree No. 840 of 4 November 1986, that penalize the free expression of competing views and ideas and to ensure that the genuine will of the people shall be the basis of authority in the State;

12. Also urges the Government of Iraq to improve its cooperation within the framework of the Tripartite Commission and its technical subcommittees with a view to establishing the whereabouts or resolving the fate of the remaining several hundred missing persons and prisoners of war, Kuwaitis and third-country nationals victims of the illegal Iraqi occupation of Kuwait;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

14. Decides to continue its consideration of the situation of human rights in Iraq during its fifty-second session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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A

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Luxembourg, Monaco, Netherlands, Norway, Portugal, San Marino, Slovakia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[3] reaffirmed that human rights and fundamental freedoms were the birthright of all human beings and that their protection and promotion was the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in this field,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including the most recent, resolution 50/188 of 22 December 1995, and the resolutions of the Commission on Human Rights, including the most recent, resolution 1996/84 of 24 April 1996, and of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1996/7 of 20 August 1996,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur of the Commission on Human Rights on religious intolerance and the Special Rapporteur of the Commission on Human Rights on freedom of opinion and expression, who have been able to visit the Islamic Republic of Iran, and bearing in mind the reports of those Special Rapporteurs on their visits,[1]

Taking note of the interim report of the Special Representative of 11 October 1996,[2] and his intention to present a substantive report to the Commission on Human Rights,

Noting with interest the observation by the Special Representative in his report regarding the requests by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights of the Secretariat at Geneva, as well as from the Crime Prevention and Criminal Justice Branch of the Secretariat at Vienna,

Considering that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

1. Expresses its concern at the continuing violations of human rights in the Islamic Republic of Iran, in particular the high number of executions in the absence of guarantees of due process of law, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to meet international standards with regard to the administration of justice, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press;

2. Also expresses its concern at the grave breaches of human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination

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[1] E/CN.4/1996/95/Add.2 and Corr.1 and E/CN.4/1996/39/Add.2.

[2] A/51/479.

against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including lack of adequate protection for the Christian minorities, some members of which have been the target of intimidation and assassination;

3. Further expresses its concern at the widespread discrimination against women in the Islamic Republic of Iran and the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate all discrimination against women;

4. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

5. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

6. Expresses its grave concern at the significant toughening of criminal legislation and its application in Iran and in particular at the incidence of capital punishment imposed for non-violent crimes, in particular cases of apostasy, in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

7. Expresses its concern at the harassment and persecution of persons, including writers and members of the press, seeking to exercise their freedom of expression;

8. Calls upon the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran;

10. Deplores the continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and the harassment of their relatives within Iran, and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

11. Welcomes the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran;

12. Expresses its hope that the Special Representative will again be allowed to visit the Islamic Republic of Iran in the discharge of his mandate;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its fifty-second session under the item entitled "Human rights questions", on the basis of the report of the Special Representative and in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Luxembourg, Monaco, Netherlands, Norway, Portugal, San Marino, Slovakia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[3] reaffirmed that human rights and fundamental freedoms were the birthright of all human beings and that their protection and promotion was the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in this field,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including the most recent, resolution 50/188 of 22 December 1995, and the resolutions of the Commission on Human Rights, including the most recent, resolution 1996/84 of 24 April 1996, and of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1996/7 of 20 August 1996,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur of the Commission on Human Rights on religious intolerance and the Special Rapporteur of the Commission on Human Rights on freedom of opinion and expression, who have been able to visit the Islamic Republic of Iran, and bearing in mind the reports of those Special Rapporteurs on their visits,[1]

Taking note of the interim report of the Special Representative of 11 October 1996,[2] and the addendum to it and noting that he will present a further report to the Commission on Human Rights,

Welcoming the requests by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the Office of the High Commissioner/Centre for Human Rights, as well as from the Crime Prevention and Criminal Justice Branch, and taking note with interest of the observation by the Special Representative in this regard,

Taking note with interest of certain recent developments in the Islamic Republic of Iran which, in the view of the Special Representative, are indicators of potential improvement of the status of women in that country,

Considering that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

1. Expresses its concern at the continuing violations of human rights in the Islamic Republic of Iran, in particular the high number of executions in the absence of internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to meet international standards with regard to the administration of justice and the absence of due process of law, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press;

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[1] E/CN.4/1996/95/Add.2 and Corr.1 and E/CN.4/1996/39/Add.2.

[2] A/51/479.

2. Also expresses its concern at the grave breaches of human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including lack of adequate protection for the Christian minorities, some members of which have been the target of intimidation and assassination;

3. Further expresses its concern at the widespread discrimination against women in the Islamic Republic of Iran and the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate all discrimination against women;

4. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

5. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

6. Expresses its grave concern at indications, according to the information received by the Special Representative, of a significant toughening of criminal legislation and its application in Iran and in particular at the incidence of capital punishment imposed for apostasy and non-violent crimes, in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

7. Expresses its concern at the harassment and persecution of persons, including writers and members of the press, seeking to exercise their freedom of expression;

8. Calls upon the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, notes in this regard that efforts aimed at obtaining satisfactory written assurances from the Government of the Islamic Republic of Iran that it does not support these threats have so far been unsuccessful, and calls upon the Government of the Islamic Republic of Iran to provide such assurances;

10. Deplores the politically motivated continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and the harassment of their relatives within

Iran, and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

11. Welcomes the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran;

12. Expresses its hope that the Special Representative will again be allowed to visit the Islamic Republic of Iran in the discharge of his mandate;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its fifty-second session under the item entitled "Human rights questions", on the basis of the report of the Special Representative and in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

UNITED
NATIONS

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General Assembly

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A/C.3/51/L.42
21 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (e)

HUMAN RIGHTS QUESTIONS: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Algeria, Argentina, Bolivia, Brazil, Canada, Cape Verde, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Ireland, Mexico, Mongolia, Nicaragua, Panama, Paraguay, Peru, Philippines, Poland, Republic of Korea, Romania, Slovenia, Ukraine, Uruguay and Venezuela: draft resolution

Report of the United Nations High Commissioner for Human Rights

The General Assembly,

Recalling its resolution 48/141 of 20 December 1993, establishing the mandate of the United Nations High Commissioner for Human Rights for the promotion and protection of all human rights,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[1]

Recalling its decision 50/465, of 22 December 1995, concerning the organization of work of the Third Committee and biennial programme of work of the Committee for 1996-1997, which includes in its programme of work item 12: Human rights questions, sub-item (e) Report of the United Nations High Commissioner for Human Rights,

[1] A/CONF.157/24 (Part I), chap. III.

96-33021 (E) 211196

Recognizing, in accordance with resolution 48/141, the crucial and important role that the High Commissioner's functions play in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action,

Having considered the report of the United Nations High Commissioner for Human Rights,[1]

Stressing the importance of enabling the smooth running of the United Nations human rights machinery,

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights on the effective promotion and protection of all human rights;

2. Encourages the High Commissioner to continue his activities in discharging his responsibilities under General Assembly resolution 48/141;

3. Expresses its satisfaction with the constructive manner in which the High Commissioner carrying out his functions;

4. Decides to consider this matter at its fifty-second session under a sub-item entitled "Report of the United Nations High Commissioner for Human Rights" under the item entitled "Human rights questions".

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[1] A/51/36.

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NATIONS

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21 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Estonia and Latvia: draft decision

Situation of human rights in Estonia and Latvia

The General Assembly takes note of the information provided by the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, in relation to the situation of human rights in Estonia and Latvia, pursuant to General Assembly resolution 48/155 of 20 December 1993, and decides to conclude its consideration of this matter.

96-33113 (E) 211196

UNITED
NATIONS

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General Assembly

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21 November 1996

ORIGINAL: ENGLISH AND RUSSIAN

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Russian Federation: draft resolution

Situation of human rights in Estonia and Latvia

The General Assembly,

Recalling its resolutions 47/115 of 16 December 1992 and 48/155 of 20 December 1993,

Taking into account relevant provisions of the Universal Declaration of Human Rights,[1]

Mindful of the concluding observations of the Human Rights Committee on the initial reports of Estonia[2] and Latvia,[3]

Having considered the oral information provided by the Secretary-General pursuant to resolution 48/155,

1. Welcomes the efforts undertaken by the Organization for Security and Cooperation in Europe and the Council of the Baltic Sea States, in particular with regard to improving the situation of the so-called 'non-citizens' in Estonia and Latvia, and encourages further efforts of the relevant regional

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[1] Resolution 217 A (III).

[2] CCPR/C/79/Add.59.

[3] CCPR/C/79/Add.53.

organizations, as well as bilateral efforts of interested countries, in this direction;

2. Calls upon the Governments of Estonia and Latvia to take necessary legislative and administrative measures to resolve the remaining issues in accordance with the recommendations of international and regional bodies;

3. Requests the Secretary-General to monitor the efforts undertaken in this regard at regional, bilateral and other levels and to inform the Assembly at its fifty-third session on progress achieved in the situation of human rights in Estonia and Latvia.

UNITED
NATIONS

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General Assembly

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21 November 1996

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THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Argentina, Armenia, Austria, Bangladesh, Bosnia and Herzegovina, Canada, Chile, Cyprus, Czech Republic, Denmark, Ethiopia, Gabon, Guatemala, Honduras, Hungary, Iceland, Israel, Italy, Liechtenstein, Lithuania, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and Ukraine: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the States in which such persons live,

Noting that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities held its second session from 30 April to 3 May 1996, and that its report will be made available to the Commission on Human Rights,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities,

1. Takes note with appreciation of the report of the Secretary-General;

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

4. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities is central to the protection and promotion of the rights of persons belonging to minorities;

5. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration;

6. Appeals to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

8. Welcomes the activities of the United Nations High Commissioner for Human Rights relating to the promotion and protection of the rights of persons belonging to minorities and, in accordance with his mandate, calls upon him to promote the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

A/51/536.

9. Requests the High Commissioner to continue his efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues in activities related to the promotion and protection of the rights of persons belonging to minorities;

10. Urges all treaty bodies to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

11. Calls upon States to continue to include in their reports to human rights treaty bodies, in accordance with the relevant conventions, information on measures taken for the promotion and protection of the rights of persons belonging to minorities;

12. Calls upon all special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give attention, within their respective mandates to situations involving minorities;

13. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution under the item entitled "Human rights questions".

UNITED
NATIONS

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21 November 1996

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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Slovenia, South Africa, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights questions: extrajudicial, summary or arbitrary executions

The General Assembly,

Considering that the subject of extrajudicial, summary or arbitrary executions has been discussed in the United Nations for many years within the framework of discussions on human rights based on the general recognition of the right to life of every person as guaranteed by the Universal Declaration of Human Rights, the provisions of the International Covenant on Civil and

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For the most recent resolutions, see General Assembly resolutions 49/191 of 23 December 1994 and Commission on Human Rights resolution 1996/74 of 23 April 1996, to be issued as Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

Resolution 217 A (III).

Political Rights and a large number of other international human rights instruments, that extrajudicial, summary or arbitrary executions can be fought effectively only through a genuine will on the part of the Governments to enforce the safeguards and guarantees for the protection of the right to life of every person, that declarations of commitment to the protection of the right to life by Governments are only effective if they are translated into practice and respected by all and that if the aim is protection of the right to life, the emphasis must be on prevention of all forms of violations of this fundamental right,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Reaffirms Economic and Social Council decision 1995/284 of 25 July 1995, in which the Council approved the decision of the Commission on Human Rights in its resolution 1995/73 of 8 March 1995[2] to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for a three-year period and recommends that the Commission at its fifty-fourth session continue his mandate;

5. Takes note of the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions;[3]

6. Notes the important role the Special Rapporteur has played working towards the elimination of extrajudicial, arbitrary or summary executions;

7. Recalls that the Commission on Human Rights, in its resolution 1996/74, requested the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit his findings, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about such

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[1] See resolution 2200 A (XXI), annex.

[2] Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/51/457, annex.

serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in the defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee[a] in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

8. Reiterates that the Special Rapporteur has a need to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of all concerned, including Member States, in elaboration of his report;

9. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

10. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of the United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

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[a] See A/51/40, paras. 396-399.

[b] Resolution 44/128, annex.

11. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

12. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

13. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under the relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

14. Requests the Secretary-General to inform the Commission on Human Rights of the implementation of Economic and Social Council decision 1995/284, keeping in mind the comments on this matter by the Special Rapporteur in his report,[1] in order to enable him to carry out his mandate effectively, including through country visits;

15. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

16. Requests the Special Rapporteur to submit to the General Assembly at its fifty-third session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.

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[1] E/CN.4/1996/4, para. 619.

UNITED
NATIONS

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General Assembly

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21 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Armenia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Luxembourg, Micronesia (Federated States of), Netherlands, New Zealand, Peru, Portugal, Slovenia, Solomon Islands, South Africa, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,[1]

[1] See resolution 2200 A (XXI), annex.

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thoughts on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on religious intolerance to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occur in many parts of the world and threatened the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,[1]

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. Also urges States to ensure, in particular, that no one within their jurisdiction is, on account of their religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

4. Further urges States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

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[1] See E/CN.4/1994/79, para. 103.

5. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for those purposes;

9. Expresses its grave concern at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. Encourages the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on religious intolerance, appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. Encourages Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of promotion and protection of the right to freedom of thought, conscience and religion;

14. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session;

17. Requests the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge in full and on time his mandate;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-second session under the item entitled "Human rights questions".